



TOWN OF ROCKPORT

TOWN MEETING VOTERS BOOKLET

FALL TOWN MEETING SEPTEMBER 12, 2016

This booklet is an aid to Town Meeting voters and incorporates the Warrants, Motions, Finance Committee Report, Planning Board Information on Zoning Articles and other handouts.

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Town Meetings

The Town of Rockport has an Open Town Meeting form of government meaning that any registered voter may vote at Town Meeting. Open town meeting has been the basic form of local government in New England for hundreds of years. This is a form of pure democracy where citizens directly administer the affairs of their Town. Registered voters are invited to assemble as citizen-legislators and participate in the future of the Town by enacting By-Laws and voting on matters put before them. All registered voters can vote in town meetings while non-registered visitors may attend, but not vote. Visitors are seated in a separate section to make counting votes easier.

Following is a general overview of key terms, roles, the voting process and general rules of order for Town Meetings.

TERMS

For those who may be unfamiliar with the special language of Town Meetings and Municipal Finance, the following may be helpful.

- **Abatements:** A reduction or elimination of a levy imposed by a governmental unit, applicable to tax levies, motor vehicle excise, fees, charges and special assessments.
- **Appropriation:** Town Meeting authorization to expend a certain amount of money for a specific purpose.
- **Article:** The topic to be considered and voted at Town Meeting for which a motion is made to enable a vote to be taken on said topic.
- **Assessors' Overlay:** An account established annually to fund anticipated property tax abatements and exemptions in that year. Any surplus at year end, after being certified and released by the Assessors may be appropriated for another purpose.
- **Assessment:** The Board of Assessors' opinion of the value of your property.
- **Available Funds:** These are funds established through previous appropriations or results of favorable conditions. These may be appropriated to meet emergency or unforeseen expenses, large one-time expenses or capital expenditures. This term is also sometimes used as a placeholder on warrant articles before exact amounts are determined for the motions.
- **Betterments:** A special property tax assessed on each parcel receiving benefit from a public improvement such as water, sewer or sidewalks to reimburse the Town for all or part of the costs incurred.
- **Budget:** A financial plan for a given period of time embodying, both, estimates of proposed expenditures and proposed means of financing them. The Town has two budgets: one for operations and one for capital purchases and projects.
- **Capital Budget:** Appropriations for tangible assets or projects that cost at least \$10,000 and have a useful life of at least three years. The Town votes most capital purchases and projects in Article 6 of the Annual Town Meeting.

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- **Chapter 70:** The Chapter of the State law that governs the funding of schools. It is also the common name for the largest part of state funding to schools.
- **Chapter 90:** The Chapter of the State law that governs the funding of roads and highway improvements. It is also the common name for the largest part of state funding to highways.
- **Cherry Sheets:** State aid to the Town so called because they were once printed on cherry red paper. The Cherry Sheet details the estimated state aid to be received by the Town along with the County and State assessments to be paid.
- **Choice:** Also referred to as School Choice. Money that flows into the school district from the state when the system accepts students from outside the district.
- **Debt Exclusion:** This overrides Proposition 2½ and allows a community to assess taxes in excess of its levy limit for the payment of specified debt service costs. See Override.
- **Debt Service:** The principal and interest payments on borrowing. Long term debt is the issuance of municipal bonds to pay for large capital purchases or projects. Short term borrowing costs are interest-only for purchases not yet bonded and for cash flow management.
- **Direct and Indirect Costs:** Direct costs are expenses such as salaries, contracted work, fuel, materials and supplies used in providing a service and running a Town department. Indirect costs are other expenses in the Operating Budget such as health insurance premiums, pension contributions and debt service.
- **Enterprise Fund:** A fund separate from the Town's General Fund established to record all the direct and indirect costs of providing a specific service, allowing the Town to recover the cost of the service through user fees. Rockport has two enterprise funds at present for water and sewer.
- **Excess Levy Capacity:** The difference between a community's maximum tax levy limit and the amount it actually levies in property taxes.
- **Exclusion:** An item that the Town Meeting and voters agree to fund outside the limits of Proposition 2½.
- **Fiscal Year:** The Commonwealth and municipalities operate on a fiscal year which begins on July 1st and ends on June 30th. The number of the fiscal year is that of the calendar year in which the fiscal year ends.
- **Fixed Costs:** Expenses which involve a mandate or contractual obligation and therefore cannot be cut in the budget process such as long term debt service and state assessments.
- **Free Cash:** Funds remaining from the operations of a previous fiscal year which may be appropriated after they have been certified by the Massachusetts Department of Revenue. These include unspent appropriations and revenue collected in excess of estimates.
- **General Fund:** The town's checking account. The General Fund can be expended only for the items approved by Town Meeting.
- **Hold:** The request to delay consideration of one part of a multi-part article. Any item that a Town Meeting member questions is marked as a hold and will be discussed after the unquestioned items have been voted.
- **Levy:** The property tax levy is the revenue a community can raise through real and personal property taxes.

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- **Levy Limit:** The maximum amount of real estate taxes a community can levy in a given year. The limit can grow each year by 2½% of the prior year's levy limit plus new growth and any overrides.
- **Liability:** A financial obligation of the Town arising from past transactions resulting in money owed, debts or other pecuniary obligations.
- **Local Receipts:** Revenue, other than property tax, raised and collected by the Town such as water and sewer fees, car and boat excise taxes, trash fees, fines and interest.
- **Motion:** The specific statement to be voted within the scope of the article as printed in the Warrant.
- **New Growth:** The taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying the value associated with new construction by the tax rate of the previous fiscal year.
- **OPEB:** Stands for Other Post-Employment Benefits, primarily health care premiums, that the Town is responsible for paying for its eligible retired employees.
- **Operating Budget:** The budget for routine, recurring expenses during the fiscal year starting on July 1 through June 30, which includes all labor and expenses. The Operating Budget is Article 5 in the Annual Town Meeting Warrant.
- **Overlay:** The overlay is the amount raised by the Assessors independently of Town Meeting as permitted by law for the purpose of creating a fund to cover property tax abatements and avoid fractions in the tax rate.
- **Override:** A referendum procedure in which a community by popular vote can either increase its levy limit (general override) or collect property taxes in excess of its levy limit to finance specific capital expenditures (debt exclusion or capital outlay exclusion).
- **Pension:** Sometimes referred to as Retirement wherein an employer makes contributions toward a pool of funds set aside for an employee's future income after they retire and are no longer earning a salary or wages.
- **Petition Article:** A petition article is an article brought to Town Meeting for discussion and possible action by a citizen, rather than by a Board or Committee of the Town. Any person or group can bring a petition article on any topic that is relevant to action by Rockport Town government. In the past there have been petition articles dealing with zoning and social justice resolutions.
- **Proposition 2½:** Proposition 2½ is a state law that places a ceiling on the total amount of taxes that a Town can raise and it also limits the percentage by which a town's tax revenues can increase from year to year. It provides towns with annual increases in total tax revenue of 2½% apart from the additional tax revenue that can be raised because of the construction of new homes and additions to buildings known as "New Growth". Proposition 2½ has no relevance as far as tax increases on individual properties are concerned. It relates only to the total amount of taxes raised by a town.
- **Raise and Appropriate:** Town Meeting authorization to expend a certain amount of money for a specific purpose by raising that amount of taxes to pay for the expenditure.

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- **Reserve Fund:** The fund established by the voters at Annual Town Meeting for extraordinary or unforeseen expenditures. Transfers from the Reserve Fund require the approval of the Finance Committee.
- **School Choice:** The Massachusetts school choice law (G.L. Chapter 76, Section 12B) allows parents to send their children to public schools in communities other than the one in which they reside, provided there is room in the receiving school district. Chapter 70 state aid for education is given to the school where the child is enrolled, not the school in the town where he/she lives.
- **Sewer Enterprise:** The sewer enterprise has a separate operating budget which can be found in Article 5B and a separate capital outlay plan which can be found in Article 6B.
- **Stabilization Fund:** A general or special purpose savings account deposited into, or withdrawn from, at Town Meetings with a 2/3 vote.
- **Structural Deficit:** An ongoing budget problem which occurs when annual expenditures exceed annual revenue. Even when budgets are balanced through drawing down reserves and using other non-recurring funding sources, the problem occurs in subsequent years unless expenditures are cut or new revenue is raised.
- **Tax Rate:** The calculated ratio of the total assessed value of properties to be paid as tax, based on the total amount of taxes required to be levied to pay for the obligations and expenses of a municipality in a given year. The specific tax rate is expressed in terms of a unit of the tax base. For example \$11.27 per \$1,000 of assessed valuation of a taxable property.
- **Transfers:** A budgeted item may be funded by decreasing the budget for another department or by moving money from one fund to another such as taking money from the Ambulance Fund and putting it in the General Fund to cover the operating budget for the Ambulance Department. Both types of transfers require a vote of Town Meeting.
- **Warrant:** The agenda for the meeting that lists the topics so called because it gives all registered voters warning of what to expect at the meeting.
- **Water Enterprise:** The water enterprise has a separate operating budget which can be found in Article 5A and a separate capital outlay plan which can be found in Article 6A.

YOUR TAX BILL

Many citizens ask how they are taxed or charged, not merely what the terms mean. The following describes how real estate taxes and water/sewer rates are derived.

Your Real Estate Tax Bill

There are several factors that go into the determination of your real estate tax bill:

1. The amount of spending in the operating departments;
2. Plus the retiree pension and health insurance payments;
3. Plus debt service;
4. Less the amount of local revenue; and
5. Less the amount of state aid.

The result is the amount of the real estate tax levy. Under Proposition 2½, this levy is limited to:

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1. Last year's levy limit plus 2½% growth;
2. Plus additions to the levy known "new growth" which is generated when a house is new or significantly renovated causing an increase in assessed values and, thereby, creating an increase in the tax base; and
3. Plus any Proposition 2½% overrides previously approved by the voters.

Once the year's levy is established, the tax rate is determined by dividing the levy by the total assessed value of the Town's taxpayers' real estate. Therefore the change in the tax rate is determined by both the change in the levy and the change in the total assessed valuation. The resulting tax for your property is the product of its assessed value and the tax rate of your property.

Your Water & Sewer Bill

There are also several factors that go into the determination of your water and sewer bill:

1. The total costs required to operate the water and/or sewer operations which include the treatment plants, the water distribution system, the sewer pump stations and collection systems;
2. Less the amount of enterprise revenues received from other sources such as water and sewer permits and fees for water turnoff services; and
3. The remaining costs are divided by the total estimated amount, in terms of thousands of gallons, of water and/or sewer usage in the Town.

This calculation results in the water and sewer rate at a cost per each thousand of gallons of water and/or

sewer used. For instance, if a year's operating costs are \$2,000,000 less fee revenues of \$100,000 (\$1,900,000) divided by 160 million gallons, the resulting rate would be \$11.87 per thousand gallons.

ROLES

Any town meeting requires, at a minimum, a Moderator and a Town Clerk. There are a few other key players who provide support to the Moderator, the Town Clerk, and the Voters at the meeting.

- **Board of Selectmen:** A five-member executive board, each elected for a three-year term, they are responsible for setting the time and place of town meetings as well as placing articles on the warrant to be considered and voted upon. This Board acts on the Town's behalf on various matters between Town Meetings as well.
- **Finance Committee:** A nine-member advisory committee appointed by the Board of Selectmen, this committee's primary responsibility is to make recommendations to Town Meeting on all financial matters, including the annual operating budget, capital projects, borrowing, and funding sources. The Finance Committee advises and reports to the voters at Town Meeting.

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- **Moderator:** The presiding officer at all Town Meetings is the Moderator. According to State law, the Moderator's primary responsibility is to "preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes".
- **Planning Board:** State law requires this Board to make plans for the development of the Town and also to provide the Board of Selectmen with a report and recommendations.
- **Town Administrator:** The chief administrative officer of the Town, this person supervises and directs the administration of all departments, boards and offices that are subject to the appointment of the Board of Selectmen.
- **Town Clerk:** Elected for a three-year term, the Town Clerk is responsible for distributing the Warrant, keeping a tally of the votes, and producing the official record of Town Meeting.
- **Town Counsel:** Appointed by the Board of Selectmen, Town Counsel is responsible for providing legal opinions and advises the Moderator as needed.

VOTING

The voting process begins with a notice or warning made public and available to the registered voters in the form of a Warrant. The Warrant is the agenda for the meeting and consists of a number of Articles, each describing some general subject to be discussed. State law provides that it is to be assembled by the Board of Selectmen and posted by the Constable at least seven days before the Annual Town Meeting and fourteen days before a Special Town Meeting. A copy of the Warrant is also available on the Town's website at www.rockportma.gov. Those wishing to access this Voter Booklet and documents filed with the Town Clerk on their mobile devices may do so by accessing the school wireless network. Access directions will be provided at the start of the meeting. Items on the Warrant to be considered by the voters at Town Meeting are called Articles and may be proposed by Town boards, committees or by citizen's petition.

An Article on the Warrant is not by itself a self-starting "motion", but only defines the scope of the Main Motions to be addressed, debated, and voted. Votes are never made on Articles, only on specific Motions to take actions based on items described in the Articles. Sometimes a motion will be ruled by the Moderator to be within or outside of the "Four Corners" of the Article which determines how broad a motion can be and the range of what one can say.

There may also be a Motion to Amend which is an example of a Subsidiary Motion because it addresses the Main Motion. Another Subsidiary Motion is to Move the Question. The exact term is to Move the Previous Question and means the speaker has heard enough and wants to stop debating the topic. He or she cannot interrupt a speaker, there must be a second, and if two-thirds of the body agrees, the debate stops immediately and a vote on the motion is taken.

There is another type of motion called Incidental – a civil way to say somebody has a question about the conduct of the meeting such as a person is speaking without the permission of the Moderator or the topic is frivolous. Technically, it is not a motion so there is no need for a second or debate and someone can interrupt the speaker with this action. The Moderator will decide the point without debate.

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Addressing the Meeting is when someone wishes to speak and approaches the microphone on the floor and must wait to be recognized by the Moderator. Speakers then state their names and addresses and say what they have to say on the topic. A speaker may continue, up to the time allowed as long as he or she speaks directly to the Article under discussion. Any comments and questions are to be addressed to the Moderator. Speakers who address anyone else directly are out of order which the Moderator is responsible for keeping.

At times there may be a request to recount the vote after the Moderator declares the results of a voice vote. This will lead to a vote by show of hands or standing to resolve the outcome of the vote.

Each voting Citizen has a responsibility to understand what the Article and its Motion is asking them to approve before voting. The Finance Committee has developed the following checklist to help voters consider money-related as well as other types of requests:

1. **Is it necessary?** Or is it something that is not really needed or perhaps already being provided by a private or public group?
2. **Can we afford it?** Remember, there is no limit to what we would like, but there is a limit to what we can afford.
3. **What will it ultimately cost?** Many proposals are like icebergs – only a small fraction of the total cost is apparent on the surface.
4. **How will it affect basic liberties?** If it imposes unreasonable or illegal restraints on your life or that of others, it should be vigorously opposed.
5. **Is it in the balanced best interest of all?** If it is designed to benefit a small group of special interests while taking advantage of others, work for its defeat.
6. **Is it a “Foot in the Door” proposition?** Compromising a little now may bring an oppressive burden later, either in more regulations or more taxes or a combination of both.
7. **Does it place too much power in the hands of one individual or group?** Once the decisive power is granted to a non-elected public official or a commission as a municipal authority, the private citizen loses effective control.
8. **Is its appeal based on emotional propaganda or facts?** The further a proposition gets away from facts, the more critical one should be.

RULES OF ORDER

This section is from the Town Moderator who is responsible for maintaining order at town meetings. Rockport’s Town Meetings are conducted in accordance with Massachusetts General Laws and Chapter 2 of our Code of By-Laws.

A few points of parliamentary procedure applicable to town meetings are outlined below:

- The subject of discussion will always be a pending motion, not a warrant article. A warrant article provides notice to the town meeting that a subject matter may be considered. It is not a proposal for action. A motion is a proposal for action by the town meeting and every motion must be within the scope of an article in the warrant.

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- With respect to each warrant article, the Moderator will first recognize a proponent to offer a motion and, after the motion is seconded, to state the reasons for that motion.
- Next the Moderator will recognize a member of an advisory committee to state the committee's recommendation and its reasons for that recommendation. Rockport has town advisory committees:
 1. The Finance Committee is primarily concerned with warrant articles which involve expenditure of Town funds.
 2. The Town Government and By-law Committee makes recommendations on warrant articles which involve changes in the Code of By-laws or in the Town's charter.
- If you wish to speak, first you must get the attention of the Moderator. Raising your hand should do it and holding the Voter Card that is provided to you at the beginning of the meeting in your hand makes it more noticeable. If raising your hand does not work, try standing and/or call out "Mr. Moderator".
- When you have been recognized by the Moderator, either wait for a portable microphone to come to you (perhaps by standing you will be easier to find) or go to any floor microphone.
- After you have a microphone, first state your name and address. Remember to address all remarks to the Moderator, not to others in the meeting, and to ask all questions through the Moderator.
- The Moderator gives preference to people who have not yet spoken on an issue before calling on someone for a second or third time. See Code of by-laws c.2, §4.3.
- The Code of By-laws c.2, §4.f establishes time limits for speakers: 10 minutes for the principal proponent of a main motion and 5 minutes for everyone else.
- When the Moderator senses that the meeting is ready to vote, he will state the question. That is a warning that debate is ending as well as a reminder of the motion on which the meeting will be voting. If you have doubt about the exact issue or a question about procedure, please ask then. Once the voting has begun, any discussion will be out of order.
- A motion to reconsider requires a two-thirds vote. Also, any person intending to move for reconsideration must give notice of that intent to the Moderator within thirty minutes after the vote reconsideration of which is sought. See Code of by-laws c.2, §4.i.

The following is an excerpt from the Rockport Code of By-laws, Chapter 2. Town Meetings, Section 4. Rules of Procedure

- a. **In General.** The proceedings of Town Meetings shall be governed by the rules of parliamentary procedure contained in Robert's Rules of Order, as the same may be revised from time to time, so far as they may be adapted to Town Meetings, unless another provision is made by statute or by these by-laws.
- b. **Quorum.** For any session, including any adjourned session of a meeting convened on a date specified in Section 2.b, the quorum shall be those persons present. For any other Town Meeting 150 voters shall constitute a quorum, but a lesser number may vote to adjourn.
- c. **Order of Action.**

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(i) Other than the first six (6) articles of the Annual Town Meeting, which shall be acted upon in order of their arrangement in the warrant, the order of action upon articles in the warrant shall be determined by lottery conducted by the Town Clerk in such a manner to insure that, at all times, the meeting knows which article will follow the one on the floor. The Moderator may rule that certain warrant articles are related, in which event all related articles shall come on for action when the first of them is drawn.

(ii) Any person intending to move the adoption of a resolution not under any article shall give notice of any such proposed resolution to the Moderator prior to the opening of the meeting or as soon thereafter as practicable. The Moderator shall then announce to the Town Meeting the substance of the proposed resolution and shall further announce that the proposed resolution shall be considered immediately after all business under the warrant articles has been concluded.

(iii) The meeting may, by four-fifths vote, exempt any warrant article from the lottery and schedule it for action at any time certain or accelerate the time for consideration of any proposed resolution. The meeting may, by majority vote, postpone action under any warrant article to a time certain.

(iv) Each main motion pursuant to an article in the warrant must be phrased so that an affirmative (yes) vote indicates approval of the subject matter of the article and a negative (no) vote indicates disapproval of such subject matter. The use of "to postpone indefinitely" as a main motion is prohibited.

- d. **Participation in Debate.** With respect to each article in the warrant, the Moderator shall first recognize the sponsor to offer a main motion. No person, except a legal voter of the Town, shall be permitted to take part in a Town Meeting except by permission of the Moderator.
- e. **Addressing the Meeting; literature.** No person shall address the meeting unless recognized by the Moderator, nor speak more than once on the same subject to the exclusion of any other person who desires to speak. Nor shall any literature other than copies of the warrant and official reports thereon be distributed in the building within which the meeting is held or within 150 feet thereof, except that literature (clearly identified as to its proponent or source) may, with the prior approval of the Moderator, be left on tables near the entrance for voters to pick up when entering the hall.
- f. **Limitation of Individual Speakers.** Unless granted an extension of time by vote of the meeting, the individual speaking as the principal proponent of a main motion shall not speak for more than ten minutes. Subsequently, any person speaking on any motion shall not speak for more than five minutes unless granted an extension of time by the meeting.
- g. **Division of Questions.** If a motion is susceptible of division, it shall be divided and question put separately upon each part thereof if ten voters so request, or the Moderator, in his discretion, so directs.
- h. **Standing Vote.**

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(i) On matters requiring a majority or two-thirds vote, the vote need not be counted or recorded. However, if the vote declared by the chair is immediately doubted or a division of the house is called for, or if a four-fifths or nine-tenths vote is required by statute and the vote is not unanimous, a standing vote shall be ordered.

(ii) Before a standing vote, the Moderator shall request all persons in the house to be seated and may appoint tellers. The question shall then be distinctly stated, and those voting in the affirmative and negative, respectively, shall rise and stand in their places until they are counted by the Moderator or tellers. No person shall be counted who does not comply with the request to occupy a seat.

(iii) Upon request of twenty voters, the vote on any question shall be taken by written ballot. The request for vote by ballot may be made at any time prior to the vote being taken on any question. The form of the ballot used and the method of issuing, collecting and counting such ballots shall be as determined by the Moderator. It shall be the duty of the Town Clerk to have available at every Town Meeting a sufficient supply of such ballots.

- i. **Reconsideration.** A motion to reconsider a matter previously acted upon shall require an affirmative vote of two-thirds (2/3) of those present and voting. Any person intending to move for reconsideration shall give notice of such intent to the Moderator promptly and in no event, except by unanimous consent, more than thirty (30) minutes after the vote reconsideration of which is sought, regardless of whether or not the meeting is then in session. The Moderator shall, as soon as is practicable, inform the Town Meeting as to when the motion for reconsideration will be presented. All motions for reconsideration shall be presented before any new warrant article is taken up for action at the beginning of the next succeeding session of Town Meeting unless action on all other warrant articles is completed prior to the end of the session during which such notice is given, in which case motions for reconsideration shall be presented immediately after all other business, except for resolutions not under a warrant article, has been concluded.
- j. **Motion to Dissolve Meeting.** No motion the effect of which would be to dissolve the meeting shall be in order until every article in the warrant has come to the floor and there has been a reasonable opportunity for a motion in accordance with Section 4.c(iv) pursuant to every article. This section shall not preclude the postponement of consideration of any article by adjournment of the meeting to a stated time.

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Report of the Finance Committee

Fall Town Meeting is an opportunity for the Finance Committee, Selectmen and the Town Administration to fine-tune the budget that was passed in April. We are now more than two months into the 2016 fiscal year, and we have a better handle on many expenses and revenues. The articles listed below (Articles A – H) have financial impacts, and are all recommended for approval by the Finance Committee.

Article A is to approve payment of bills from the prior fiscal year.

Article B adjusts the expenditures by transferring funds to accounts that were underfunded in April from those that were overfunded. These transfers have no effect on total spending or the tax rate. Article B also assigns the debt authorization for the Bedrock Wells project, authorized at the April 2014 Special Town Meeting, to the Water Enterprise Fund as it was intended.

Articles C, D and E are recommended appropriations of Community Preservation Act monies. These do not directly affect the tax rate, but are funded from the CPA surcharges and matching grants from the state.

Article F seeks to ratify and fund the union contracts if settlements are reached by the date of the Fall Town Meeting.

Articles G and H request changes to appropriations for capital projects. In both cases the additional spending for these projects will come from transfers of unused funds previously approved at various Town Meetings. Therefore, there is no effect on Town finances. These are as follows:

G \$10,550 for the Town Annex back-up generator project from the Library Fire Escape project which is complete.

H \$8,245 for the Water Plant Capital Account from the Water Needs Assessment Project which is complete.

Articles I - M are not financial in nature and the Finance Committee has no comment on them.

In conjunction with the Town Administrator, members of the Finance Committee are studying our next 3 years' revenues and expenses projections. During this effort, we will identify the effects of potential expenditures that the Town may make and

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savings it may be able to achieve. We hope that this will result in policies that avoid surprises as we work to fund significant amounts of infrastructure improvements over the next several years.

The Finance Committee works directly for you, the Town's voters. The Town's staff, its volunteers and we have worked very hard to produce this year's budget and adjustments necessary for the Town's business to run smoothly. At the same time, keeping the tax rate as low as possible is extremely important. We hope this report along with the voters' booklet will provide you with the information you need to make informed decisions.

William Wagner, Chairman

Ian Crown

Beth Dailey

Roger Levine, Vice Chairman

Walter Hess

June Michaels

Melissa Tingley

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Fall Town Meeting – September 12, 2016

FALL TOWN MEETING WARRANT

TOWN of ROCKPORT

WARRANT for

Fall TOWN MEETING

Monday, September 12, 2016

The Commonwealth of Massachusetts

Essex, ss.

To: One of the Constables of the Town of Rockport,
Massachusetts in said County of Essex in the
Commonwealth of Massachusetts.

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet and assemble at the Rockport High School at 24 Jerden's Lane in said Rockport on Monday, the twelfth day of September, 2016 A.D., at 7:00 o'clock in the evening, then and there to act on the following articles, to wit:

- ARTICLE A. To see if the Town will raise and appropriate, or appropriate and transfer, a sum of money to pay unpaid bills of previous fiscal years; or act on anything relative thereto. *(9/10 vote)*
- ARTICLE B. To see if the Town will vote to raise and appropriate, or appropriate and transfer, a sum or sums of money to add to the appropriations made under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the April 2, 2016 Annual Town Meeting or to reduce appropriations made thereunder; or act on anything relative thereto. *(majority vote)*
- ARTICLE C. To see if the Town will hear and receive the annual report and recommendations of the Community Preservation Committee pursuant to Section 5 of Chapter 44B of the General Laws and Chapter 2, Section 5(d)(ii) of the Code of By-laws; or act on anything relative thereto.
(Community Preservation Committee) (majority vote)
- ARTICLE D. To see if the Town will vote, pursuant to Section 6 of Chapter 44B of the General Laws, to set aside in the Community Preservation Fund sums of money from Community Preservation Fund FY2017 estimated annual revenues for later spending for the respective purposes indicated:
- First*, a sum of money to be deposited in the Community Housing Reserve Account;

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Second, a sum of money to be deposited in the Open Space/Recreation Reserve Account;

Third, a sum of money to be deposited in the Historic Preservation Reserve Account;

or act on anything relative thereto. *(Community Preservation Committee) (majority vote)*

ARTICLE E. To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the following amounts for the respective purposes indicated:

First, \$15,000 to be expended under the oversight of the Department of Public Works, working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of Sandpiper Park;

Second, \$250,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of Mill Pond;

Third, \$42,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the Pingree Park basketball court;

Fourth, \$100,000 to be expended under the direction of the Thacher and Straitsmouth Islands Committees, working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the Straitsmouth Island boat ramp;

Fifth, \$38,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the South End tennis court at Long Beach;

Sixth, \$300,000 to be expended working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the historic Pigeon Cove Fire Station;

or act on anything relative thereto. *(Community Preservation Committee) (majority vote)*

ARTICLE F. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to fund the fiscal year 2017 cost items contained in the separate collective bargaining agreements between the Town of Rockport and the following unions: AFSCME Council 93, AFL-CIO Local 1679 Municipal Employees General Unit and AFSCME

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Council 93, AFL-CIO Local 1679 Supervisors Unit, the Rockport Superior Police Officers' Association, Local 154A, and/or Rockport MassCop, Local 156 (Patrol Officers Unit); with each agreement covering the term of July 1, 2016 through June 30, 2019; or act on anything relative thereto.

(Board of Selectmen) (majority vote)

ARTICLE G. To see if the Town will vote to transfer the sum of \$10,550.10 of unexpended proceeds of bonds dated August 4, 2016 from the Library Fire Escape Project account, which project has been completed and for which no liability remains, to the Town Hall Annex Generator Capital account to be expended for the purpose of purchasing and installing a generator at the Town Hall Annex; or act on anything relative thereto. *(Public Works) (majority vote)*

ARTICLE H. To see if the Town will vote to transfer the sum of \$8,248.88 from the Water Needs Assessment account to the Water Treatment Plant Master Capital account; or act on anything relative thereto. *(Public Works) (majority vote)*

ARTICLE I To see if the Town will vote to amend Chapter 14 of the Town Code of By-Laws entitled "Environment Protection and Public Health", Section E "Aesthetics and Environment", Section 6, "Floodlights and Spotlights", by:

- inserting in the title to Section 6 the words "Light Emitting Diode" after the word "Floodlights";
- deleting the definition of "Flood or Spotlight" in subsection (b) and replacing it with the following: "Flood, Light Emitting Diodes (LED) or Spotlight: Any light fixture or lamp which concentrates the light output into a directed beam in a particular direction or that emits an intense light widely."; and
- deleting the current text of subsection (c)(i) and replacing it with the following: "Any flood, light emitting diode (LED) or spot luminaire rated at 2200 lumens or greater shall not emit any light beyond the property line on which the luminaire is located. Any LED light, regardless of rated lumens, shall meet the standard described in (ii) below. Any LED light shall be hooded so that it does not emit light beyond the property line on which the luminaire is located if a neighbor lodges a complaint that the light is disrupting his or her enjoyment of his or her own property."

; or act on anything relative thereto. *(By Petition) (majority vote)*

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ARTICLE J To see if the Town will vote to authorize the Board of Selectmen to grant, on behalf of the Town, on such terms and conditions and for such duration as the Selectmen deem appropriate, a permanent easement to the owner of property located at 7-11 Old Harbor Road over a portion of the Town-owned parcel of land shown on Assessors Map 36 as Parcel 104 and described in deeds recorded with the Essex South District Registry of Deeds in Book 5156, Page 630 and which portion is shown more particularly on a plan entitled "Plan of Land, 7-11 Old Harbor Road, Bearskin Neck, Rockport, Mass" prepared by Benchmark Survey, dated August 9, 2016, which plan is on file with the Town Clerk, said easement to be granted for the purpose of allowing said owner to retain the portion of his porch that onto said Town property; or act on anything relative thereto. *(Board of Selectmen) (2/3 vote)*

ARTICLE K To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 8J relative to the establishment of the Rockport Commission On Disability; or act on anything relative thereto. *(Board of Selectmen) (majority vote)*

ARTICLE L To see if the Town will amend the Zoning By-Law to allow the regulation of Aircraft Landing Areas ("ALAs") in the By-Laws as Section VI-M

The Rockport Zoning By-Laws in relation to ALAs are as follows:

In accordance with the Town's authority to regulate uses of and structures on land and waterways that are within its jurisdiction, the Town of Rockport hereby determines that it is in the public interest to regulate the on-ground placement and storage of aircraft. Applicant shall be required to submit a plan to use any lot or waterway for aircraft landing, storage or parking within the Town.

The construction of an ALA is subject to Site Plan Review ("SPR"), which will consider the potential impacts on the Town/neighborhood, including the characteristics of any aircraft proposed to use the ALA, with respect to performance, noise, downdraft, and hours of operation, as well as the proposed landing, storage or parking facilities and any refueling and servicing facilities. Any FAA and MDOT aeronautics division findings, conclusions and requirements with respect to siting, design construction and operation of any proposed ALA will be incorporated in the SPR.

The siting of an ALA is subject to the special permit ("SP") process of the Zoning Board of Appeals. The findings and recommendations of the SPR will be incorporated in any SP granted by the ZBA.

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Nothing herein shall prevent a temporary helicopter landing area for emergency purposes, such as air ambulance, search and rescue, firefighting, and similar public safety operations.

AIRCRAFT LANDING AREAS

I. Purpose

The purpose of this section is to regulate Aircraft Landing Areas (ALA), by establishing standards for the placement, design, construction, operation, monitoring, modification and repair of such installations to ensure public safety, and minimize impacts on neighborhoods, and scenic, natural and historic resources.

The provisions set forth in this section shall apply to the placement, design, construction, operation, monitoring, modification and/or repair of any ALA.

- a. **Applicability** This section applies to the initial construction of ALAs and to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.
- b. **ALAs, in Mass. are regulated and characterized by**
702 CMR: MASSACHUSETTS AERONAUTICS COMMISSION, (now the Mass DOT aeronautics division.) 702 CMR 5.00: AIRPORTS AND RESTRICTED LANDING AREAS (This includes Airports and Restricted Landing Areas on land and water, and incorporates a number of categories of helicopter landing areas. These are characterized as follows:
 - (1) Airport –General Aviation, Land & Water
 - (2) Restricted Landing Area, Land & Water
 - (3) Heliport –General Aviation, and Limited Commercial.
 - (4) Private Use Helicopter Landing Area
 - (5) Temporary Helicopter Landing Site

Each category has different minimum dimensions, equipment, facility requirements, and level of review by MDOT.

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c. Definitions

- (1) **Site Plan Review:** Review by the Planning Board to determine conformance with the Zoning By-Law, as provided in Section IX of the By-Law.
- (2) **Site Plan Approval:** Approval of the Site Plan by the Planning Board.

2. General Requirements for all ALAs

The following requirements are common to all ALAs.

a. Compliance with Laws, Ordinances and Regulations

The construction and operation of all ALAs shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, environmental, Wetlands Protection Act, construction, electrical, and communications requirements. All buildings and fixtures forming part of an ALA installation shall be constructed in accordance with the state Building Code.

b. Building Permit and Building Inspection

No ALAs shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

c. Fees

The application for a building permit for a ALA must be accompanied by the fee required for a building permit.

3. Site Plan Review

Any ALA shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. ALAs shall be constructed, installed, used and modified in conformity with a site plan approved by the Planning Board in accordance with Section IX Site Plan Review of the Zoning By-Law and the further requirements set forth herein. The Planning Board shall review and act upon the site plan review within 90 days of its receipt of an application determined to be complete. The requirements set forth herein shall be applied coincident with and in addition to those requirements set forth in Section IX. The requirements of this section shall take precedence in the event of a direct conflict with Section IX.

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a. General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

b. Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents.

(i) A site plan showing:

- 1.** Property lines and physical features, including roads for the project site, and neighboring living structures within 1,000 feet of the ALA boundary.
- 2.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and structures.
- 3.** Blueprints or drawings of the ALA installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the ALA.
- 4.** Documentation of any structures to be installed.
- 5.** A description of how land clearing and construction shall be performed in accordance with the appropriate sections of the Zoning By-Law governing storm water discharge, land disturbance, provisions for handling toxic or hazardous materials, and post-construction storm water runoff.

(ii) Documentation of actual or prospective Flight paths.

(iii) An operation and maintenance plan; (See 3f) including proposed hours of operation, type of aircraft allowed to land and take off from the facility.

(iv) Zoning district designation for the parcel of land comprising the project site (submission of a copy of a zoning map with the parcel identified is suitable for this purpose).

(v) Proof of liability insurance written by companies licensed to provide such insurance in Massachusetts and with coverage limits at commercially acceptable levels; for the intended use.

(vi) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures

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and otherwise inform abutters and the community.

The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the Site Plan Review process, or may waive documentation requirements as it deems appropriate.

c. Professional Review

The Planning Board may engage, at the applicant's expense, professional and technical consultants, including legal counsel, to assist the Planning Board with its review of the application in accordance with the requirements of Section 53G of Chapter 44 of the Massachusetts General Laws. The Planning Board may direct the applicant to deposit funds with the Planning Board at the time the application is accepted, and to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount in the account attributable to that project, including any accrued interest, shall be repaid to the applicant.

d. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the ALA, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. Also, documentation of how all safety concerns of the FAA and the MDOT aeronautics division are being addressed in the physical construction and proposed operation of the facility

4. Design Standards

a. Setbacks

An ALA shall be set back from property lines consistent with the applicable regulations for the underlying zoning district.

b. Lighting

Lighting of ALAs shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the ALA shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

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c. Screening

A buffer or green strip planted with live shrubs or trees, predominantly evergreen, shall if feasible be maintained between the perimeter of the ALA and any abutting property line or street unless the existing natural growth is adequate to provide an equivalent buffer. Such a buffer shall be designed so as not to create a flight hazard upon entrance or exit from the facility. The Planning Board may vary or waive this requirement consistent with minimizing negative effects on abutting property.

5. Safety and Environmental Standards

a. Emergency Services

The ALA owner or operator shall provide a copy of the project summary, and site plan to the Fire Department. Upon request the owner and/or operator shall cooperate with Town emergency services in developing an emergency response plan, which may include ensuring that emergency personnel have 24 hour access to the facility. The owner or operator shall identify a responsible person for public safety personnel inquiries throughout the life of the ALA.

b. Land Clearing

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ALA or otherwise prescribed by applicable laws, regulations, and bylaws.

c. Drainage and Groundwater Protection

An ALA shall comply with any drainage and groundwater requirements set forth in the Zoning By-Law, which requirements shall be imposed and conditioned as appropriate through the Site Plan Review process.

6. Monitoring and Maintenance

a. ALA Installation Conditions

The ALA owner and/or operator shall maintain the facility in good and safe working condition, and shall schedule inspection by a competent professional at least once every twelve (12) months or more often, pursuant to industry standards and practices. The results of the inspection and any resulting repair work shall be submitted to the Planning Board and the Building Inspector within thirty (30) days of receipt by the owner

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and/or operator. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Department and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the ALA and any access road(s), unless accepted as a public way.

b. Modifications

All modifications to an ALA, after issuance of Site Plan Approval and required building permit, shall be submitted to the Planning Board for review, to determine whether they are major changes requiring further Site Plan Review.

7. Appurtenant or Accessory Structures

All appurtenant or accessory structures to an ALA shall be subject to the requirements of the Zoning By-Law concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, shall be architecturally compatible with each other, and shall be landscaped and screened from view by vegetation.

8. Insurance

Prior to commencing operation, the owner or operator of an ALA shall provide the Town Clerk with a certificate of insurance showing that the property has a minimum dollar amount contingent on the type and nature of the facility, in accord with industry standards of liability, and that the Town is an additional named insured thereon. Such certificate shall be supplied on an annual basis to the Town upon the renewal of said insurance policy.

B. Modify “Table of Permitted Uses” as follows:

2016 Proposed	SRAA & SR Zoning Districts	Permitted Use to include ALAs With SP	
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; or act on anything relative thereto. *(Planning Board) (2/3vote)*

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ARTICLE M. To see if the Town will vote to delete III.B.I.F, on the Table of Permitted Uses in the Zoning By-Laws, and replace it with the following:

The conversion of any existing dwelling into a two-family dwelling or a multiple dwelling, with not more than four (4) dwelling units, or an inn, provided that the size of the building shall not be increased by more than ten (10%) percent of the area which was originally used for habitation.

; or act on anything relative thereto. *(Planning Board) (2/3vote)*

And you are directed to serve this Warrant by posting attested copies of the same at each of the Post Offices, the Town Bulletin Board, and in other public places in each village of the Town, fourteen days at least before the day of the holding of said FALL TOWN MEETING.

Hereof fail not and make due return of this Warrant, with your doings thereon to the Town Clerk, three days at least before Monday, September 12, 2016.

Given under our hands and seal of the Town this 9th day of August 2016, A.D.

BOARD OF SELECTMEN

TOWN OF ROCKPORT

Paul F. Murphy , Chairperson

Sarah J. Wilkinson, Vice Chair

Wilhelmina Sheedy Moores,, Member

Erin Battistelli, Member

Donald J. Campbell, Jr., Member

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FTM ARTICLES, MOTIONS, SUMMARIES & RECOMMENDATIONS

ARTICLE A

To see if the Town will raise and appropriate, or appropriate and transfer, a sum of money to pay unpaid bills of previous fiscal years; or act on anything relative thereto.
(9/10 vote)

MOTION

I move that the Town appropriate and transfer from the North Shore Vocational-Technical School Assessment account, the sum of \$682.93 to pay the unpaid bills and adjustments from the previous fiscal year of \$70.00 to Seaside Graphics, Inc., \$100.00 to the Legal Expenses account, \$350.60 to the Granite Pier Other Charges account, and \$162.33 to the Zoning Board of Appeals Legal Notices and Advertising account.

SUMMARY EXPLANATION

This article requests Town Meeting to approve paying several bills that were received after the close of the fiscal year. It also includes the request to cover the expenses that require accounting adjustments for the previous year due to voided checks.

RECOMMENDATIONS

The Finance Committee and Board of Selectmen recommend approval of Article A.

ARTICLE B

To see if the Town will vote to raise and appropriate, or appropriate and transfer, a sum or sums of money to add to the appropriations made under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the April 2, 2016 Annual Town Meeting or to reduce appropriations made thereunder; or act on anything relative thereto. (majority vote)

MOTION

I move that the Town amend the votes taken under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the April 2, 2016 Annual Town Meeting by transferring the sums set forth in the *Fall Town Meeting Voters Booklet* for Article B Motion on pages 24, 25 and 26, in the amounts and for the purposes specified therein.

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Amount	From	To
\$ 1,560.00	IS&T Networks Manager Salary	Town Accountant Salary
\$ 0.56	Building Inspector Salary	Assistant Town Accountant Salary
\$ 0.27	Assistant Treasurer Collector Salary	Principal Assessor Salary
\$ 0.42	Payroll & Benefits Specialist Salary	Treasurer Collector Salary
\$ 1,000.00	Elect/Plumb/Gas Inspectors Salary	Treasurer Certification Stipend
\$ 0.24	Assessors Stipends	IS&T User Services Specialist
\$ 11.87	Assistant Harbormaster Salary	Town Clerk – Registrar Stipend
\$ 22.02	Assistant Harbormaster Salary	Registrars Stipends
\$ 920.58	Contributory Pension Account	Conservation Agent Salary
\$ 179.42	Elect/Plumb/Gas Inspectors Salary	Conservation Agent Salary
\$ 14.10	Assistant Harbormaster Salary	Police Lieutenant Salary
\$ 0.02	DPW Office Mgr Salary – General	Police Office Manager Salary
\$ 0.30	Council on Aging Director Salary	Fire Chief/Fire Inspector Salary
\$ 65.46	Elect/Plumb/Gas Inspectors Salary	Forest Fire Warden Stipend
\$ 2.29	Assistant Harbormaster Salary	Ambulance Director Salary
\$ 68.16	IS&T Technical Support Salary	Ambulance Special Labor Wages
\$ 37.70	IS&T Technical Support Salary	Animal Inspector Stipend
\$ 0.10	Accounting Support Specialist Salary	Emergency Mgmt Services Director
\$ 2.50	Assistant Harbormaster Salary	Deputy Emergency Mgmt Director
\$ 180.00	Contributory Pension Account	Animal/Dog Control Officer
\$ 299.43	Contributory Pension Account	Shellfish Constable Stipend
\$ 500.00	Contributory Pension Account	Harbor Advisory Comm Clerk
\$ 0.31	Moderator Stipend	DPW Director Salary - General

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\$ 0.15	DPW Office Manager Salary - Water	DPW Director Salary - Water
\$ 0.16	DPW Office Manager Salary - Sewer	DPW Director Salary - Sewer
\$ 0.02	IS&T Director Salary	Fog Inspector Stipend
\$ 0.58	Field Coordinator Salary - Water	GIS Program Manager - Water
\$ 0.58	Field Coordinator Salary - Sewer	GIS Program Manager - Sewer
\$ 200.00	Contributory Pension Account	Community House Facility Mgr
\$ 3,500.00	North Shore Voc-Tech Assessment	Long Beach Block Wall Repairs
\$30,000.00	Contributory Pension Account	Animal Control Van
\$15,000.00	Contributory Pension Account	Supplemental Audit
\$30,350.00	North Shore Voc-Tech Assessment	Emergency Communications Sys
\$ 2,360.00	Long Term Debt Interest - General	Long Term Debt Interest - Water

SUMMARY EXPLANATION

This is in part a simple administrative action that requests Town Meeting to approve the transfer of money between Town departments that will balance the operating budget by moving funds from accounts that don't need them to accounts that do. In addition, there are some accounts in the budget that require supplementation and transfers from other funds outside of Article 5.

Most of the transfers in the table above are small amounts of wages that would fall short of the Personnel Board's Compensation Schedules approved pay rates at the end of the year. These were transferred from other wage account that had a little more than was needed.

It is important to note that the above table includes two capital purchases near the bottom of the list that the Capital Improvement Planning Committee (CIPC) determined could not wait until the normal cycle in April at the Annual Town Meeting:

1. Animal Control Van – the current vehicle has been taken off the road because it is unsafe to use; and
2. Emergency Communications System – parts of the approximately 30 year old system has failed several times leaving police officers no way to call for backup or assistance. To address the critical pieces of the system, \$117,000 was applied by

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FY16 yearend transfers and a \$38,667.84 reserve fund transfer. It was determined that \$30,350 would repair enough of the system to make it operational until the Annual Town Meeting in April.

The last item on the table is a correction to the debt schedule that has been showing debt service for the Bedrock Wells project as a general fund borrowing instead of a water enterprise debt.

RECOMMENDATIONS

The Finance Committee and Board of Selectmen recommend approval of Article B and the Capital Improvement Committee recommends the two transfers for capital items under this Article.

ARTICLE C

To see if the Town will hear and receive the annual report and recommendations of the Community Preservation Committee pursuant to Section 5 of Chapter 44B of the General Laws and Chapter 2, Section 5(d)(ii) of the Code of By-laws; or act on anything relative thereto. *(Community Preservation Committee) (majority vote)*

MOTION

I move that the Town hear and receive the report of the Community Preservation Committee.

SUMMARY EXPLANATION

This is a standard article that allows the Community Preservation Committee (CPC) to make its recommendations to Town Meeting for the use of monies from the Community Preservation Fund.

RECOMMENDATIONS

The Board of Selectmen and Finance Committee recommend approval of Article C.

ARTICLE D

To see if the Town will vote, pursuant to Section 6 of Chapter 44B of the General Laws, to set aside in the Community Preservation Fund sums of money from Community

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Preservation Fund FY2017 estimated annual revenues for later spending for the respective purposes indicated:

or act on anything relative thereto. *(Community Preservation Committee) (majority vote)*

First, a sum of money to be deposited in the Community Housing Reserve Account;

MOTION

I move that \$54,580 be transferred from FY17 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Community Housing Reserve Account.

SUMMARY EXPLANATION

This article asks Town Meeting to appropriate 10% of the funds received from the CPA surtax into a reserve account designated for Community Housing. This is the minimum appropriation required by law.

Second, a sum of money to be deposited in the Open Space/Recreation Reserve Account;

MOTION

I move that \$54,580 be transferred from FY17 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Open Space/Recreation Reserve Account.

SUMMARY EXPLANATION

This article asks Town Meeting to appropriate 10% of the funds received from the CPA surtax into a reserve account designated for Open Space and Recreation. This is the minimum appropriation required by law.

Third, a sum of money to be deposited in the Historic Preservation Reserve Account;

or act on anything relative thereto. *(Community Preservation Committee) (majority vote)*

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MOTION

I move that \$54,580 be transferred from FY17 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Historic Preservation Reserve Account.

SUMMARY EXPLANATION

This article asks Town Meeting to appropriate 10% of the funds received from the CPA surtax into a reserve account designated for Historic Preservation. This is the minimum appropriation required by law.

RECOMMENDATIONS

The Board of Selectmen and Finance Committee recommend approval of Article D.

ARTICLE E

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the following amounts for the respective purposes indicated:

First, \$15,000 to be expended under the oversight of the Department of Public Works, working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of Sandpiper Park;

MOTION

I move that \$15,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account and expended under the oversight of the Director of Public Works and DPW Commissioners working with the Community Preservation Committee, for the restoration, rehabilitation, and preservation of Sandpiper Park.

SUMMARY EXPLANATION

This article asks Town Meeting to appropriate \$15,000 from the Community Preservation Open Space and Recreation reserve account to pay for making the site, known as Sandpiper Park located at 0 South Street and donated to the Town by Dorothy Wrightson, safe for pedestrian passive access, recreation, and fishing.

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Second, \$250,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of Mill Pond;

MOTION

I move that \$250,000 be appropriated and transferred from the Community Preservation Undesignated Fund Reserve account and expended under the direction of the Director of Public Works and the DPW Commissioners, working with the Community Preservation Committee for the restoration, rehabilitation, and preservation of Mill Pond.

SUMMARY EXPLANATION

This article asks Town Meeting to appropriate \$250,000 from the Community Preservation Undesignated Fund reserve account for permitting and dredging of the Mill Pond.

Third, \$42,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the Pingree Park basketball court;

MOTION

I move that \$42,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account to a Pingree Park Basketball Court account, to be expended under the direction of the Director of Public Works and the DPW Commissioners, working with the Community Preservation Committee for the restoration, rehabilitation, and preservation of the Pingree Park basketball court.

SUMMARY EXPLANATION

This article asks Town Meeting to appropriate \$42,000 from the Community Preservation Open Space and Recreation reserve account to pay for the restoration and preservation of the basketball court at Pingree Park.

Fourth, \$100,000 to be expended under the direction of the Thacher and Straitsmouth Islands Committees, working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the Straitsmouth Island boat ramp;

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MOTION

I move that \$30,000 be appropriated from the Community Preservation Open Space and Recreation Reserve account and \$70,000 from the Community Preservation Undesignated Fund Reserve account to a Straitsmouth Island Boat Ramp account, to be expended under the direction of the Thacher and Straitsmouth Island Committee, working with the Community Preservation Committee for the replacement, restoration, rehabilitation, and preservation of the Straitsmouth Island boat ramp.

SUMMARY EXPLANATION

This article asks Town Meeting to appropriate \$100,000 from Community Preservation funds to help pay for the replacement of a boat ramp at Straitsmouth Island.

Fifth, \$38,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the South End tennis court at Long Beach;

MOTION

I move that \$38,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account to a South End Tennis Court account, to be expended under the direction of the Director of Public Works and the DPW Commissioners, working with the Community Preservation Committee for the restoration, rehabilitation, and preservation of the South End Tennis Court at Long Beach.

SUMMARY EXPLANATION

This article asks Town Meeting to appropriate \$38,000 from the Community Preservation Open Space and Recreation Reserve to help pay for the repair and reconstruction of the South End Tennis court located at Long Beach.

Sixth, \$300,000 to be expended working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the historic Pigeon Cove Fire Station;

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MOTION

I move that \$100,000 be appropriated and transferred from the Community Preservation Historic Preservation Reserve account and \$200,000 from FY2017 Estimated Annual Revenues of the Community Preservation Fund and expended under the direction of the Board of Fire Engineers, working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of the Pigeon Cove Fire Station.

SUMMARY EXPLANATION

This article asks Town Meeting to approve the use of \$300,000 from Community Preservation funds to pay for the stabilization of the envelope of the Pigeon Cove Fire Station.

RECOMMENDATIONS

The Board of Selectmen and Finance Committee recommend approval of the motions made under Article E.

ARTICLE F

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to fund the fiscal year 2017 cost items contained in the separate collective bargaining agreements between the Town of Rockport and the following unions: AFSCME Council 93, AFL-CIO Local 1679 Municipal Employees General Unit and AFSCME Council 93, AFL-CIO Local 1679 Supervisors Unit, the Rockport Superior Police Officers' Association, Local 154A, and/or Rockport MassCop, Local 156 (Patrol Officers Unit); with each agreement covering the term of July 1, 2016 through June 30, 2019; or act on anything relative thereto. *(Board of Selectmen) (majority vote)*

MOTION

NO MOTION

ARTICLE G

To see if the Town will vote to transfer the sum of \$10,550.10 of unexpended proceeds of bonds dated August 4, 2016 from the Library Fire Escape Project account, which project has been completed and for which no liability remains, to the Town Hall Annex

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Generator Capital account to be expended for the purpose of purchasing and installing a generator at the Town Hall Annex; or act on anything relative thereto. *(Public Works)*

(majority vote)

MOTION

I move that the Town appropriate by transfer the sum of \$10,550.10 of the unexpended proceeds of bonds dated August 4, 2016 from the Library Fire Escape Project account, which project has been completed and for which no liability remains, to the Town Hall Annex Generator Capital account to be expended for the purpose of purchasing and installing a generator at the Town Hall Annex.

SUMMARY EXPLANATION

This article asks Town Meeting to allow the remaining funds appropriated for the Library Fire Escape Project to be used to purchase and install a generator at the Town Hall Annex to ensure emergency operations continuity for the Town's data center, servers, and phone systems.

RECOMMENDATIONS

The Board of Selectmen, Finance Committee, and Capital Improvement Planning Committee recommend approval of Article G.

ARTICLE H

To see if the Town will vote to transfer the sum of \$8,248.88 from the Water Needs Assessment account to the Water Treatment Plant Master Capital account; or act on anything relative thereto. *(Public Works) (majority vote)*

MOTION

I move that the Town appropriate by transfer the sum of \$8,248.88 from the Water Needs Assessment account to the Water Treatment Plant Master Capital account for the purpose of funding capital projects at the Water Treatment Plant.

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SUMMARY EXPLANATION

This article asks Town Meeting to approve a transfer of the remaining balance from the Water Needs Assessment account to the Water Treatment Plant Master Capital account to be made available to help cover general capital needs at the Water Treatment Plant.

RECOMMENDATIONS

The Board of Selectmen, Finance Committee, and the Capital Improvement Planning Committee recommend approval of Article H.

ARTICLE I

To see if the Town will vote to amend Chapter 14 of the Town Code of By-Laws entitled “Environment Protection and Public Health”, Section E “Aesthetics and Environment”, Section 6, “Floodlights and Spotlights”, by:

- **inserting in the title to Section 6 the words “Light Emitting Diode” after the word “Floodlights”;**
- **deleting the definition of “Flood or Spotlight” in subsection (b) and replacing it with the following: “Flood, Light Emitting Diodes (LED) or Spotlight: Any light fixture or lamp which concentrates the light output into a directed beam in a particular direction or that emits an intense light widely.”; and**
- **deleting the current text of subsection (c)(i) and replacing it with the following: “Any flood, light emitting diode (LED) or spot luminaire rated at 2200 lumens or greater shall not emit any light beyond the property line on which the luminaire is located. Any LED light, regardless of rated lumens, shall meet the standard described in (ii) below. Any LED light shall be hooded so that it does not emit light beyond the property line on which the luminaire is located if a neighbor lodges a complaint that the light is disrupting his or her enjoyment of his or her own property.”**

; or act on anything relative thereto. *(By Petition) (majority vote)*

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MOTION

I move that the Town amend Chapter 14 of the Town Code of By-Laws as presented on pages 34 and 35 of the *Fall Town Meeting Voters Booklet*.

SUMMARY EXPLANATION

This article requests Town Meeting to modify the By-Laws by expanding the definition of spot and flood lighting to include LED lights, whereas that was not a viable technology when the By-Law was last rewritten.

RECOMMENDATIONS

The Board of Selectmen recommends approval of Article I.

ARTICLE J

To see if the Town will vote to authorize the Board of Selectmen to grant, on behalf of the Town, on such terms and conditions and for such duration as the Selectmen deem appropriate, a permanent easement to the owner of property located at 7-11 Old Harbor Road over a portion of the Town-owned parcel of land shown on Assessors Map 36 as Parcel 104 and described in deeds recorded with the Essex South District Registry of Deeds in Book 5156, Page 630 and which portion is shown more particularly on a plan entitled “Plan of Land, 7-11 Old Harbor Road, Bearskin Neck, Rockport, Mass” prepared by Benchmark Survey, dated August 9, 2016, which plan is on file with the Town Clerk, said easement to be granted for the purpose of allowing said owner to retain the portion of his porch that onto said Town property; or act on anything relative thereto. (Board of Selectmen) (2/3 vote)

MOTION

I move that the Town authorize the Board of Selectmen to grant, on behalf of the Town, on such terms and conditions and for such duration as the Selectmen deem appropriate, a permanent easement over a portion of the Town-owned parcel of land to the owner of the property located at 7-11 Old Harbor Road shown on Assessors Map 36 as Parcel 104 and described in deeds recorded with the Essex South District Registry of Deeds in Book 5156, Page 630 and which portion is shown more particularly on a plan entitled “Plan of Land, 7-11 Old Harbor Road, Bearskin Neck, Rockport, Mass” prepared by Benchmark Survey, dated August 9, 2016, which plan is on file with the Town Clerk, said easement to be granted for the purpose of allowing said owner to retain the portion of his or her porch onto said Town

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property and that is presented on pages 35 through 38 of the *Fall Town Meeting Voters Booklet*.

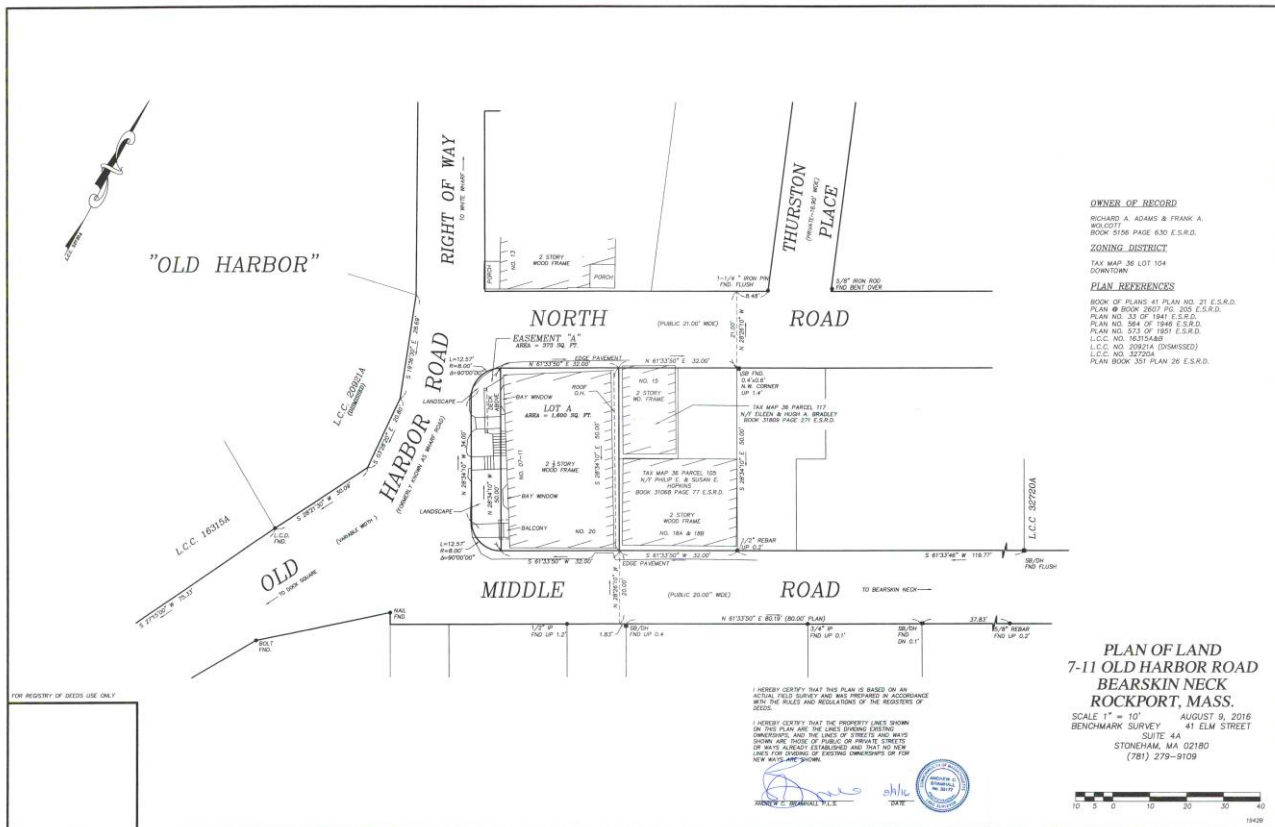
SUMMARY EXPLANATION

This article asks the Town to authorize the Board of Selectmen to grant an easement to the property owner of 7-11 Old Harbor Road on Bearskin Neck that has a front porch that overhangs onto Old Harbor Road.

RECOMMENDATIONS

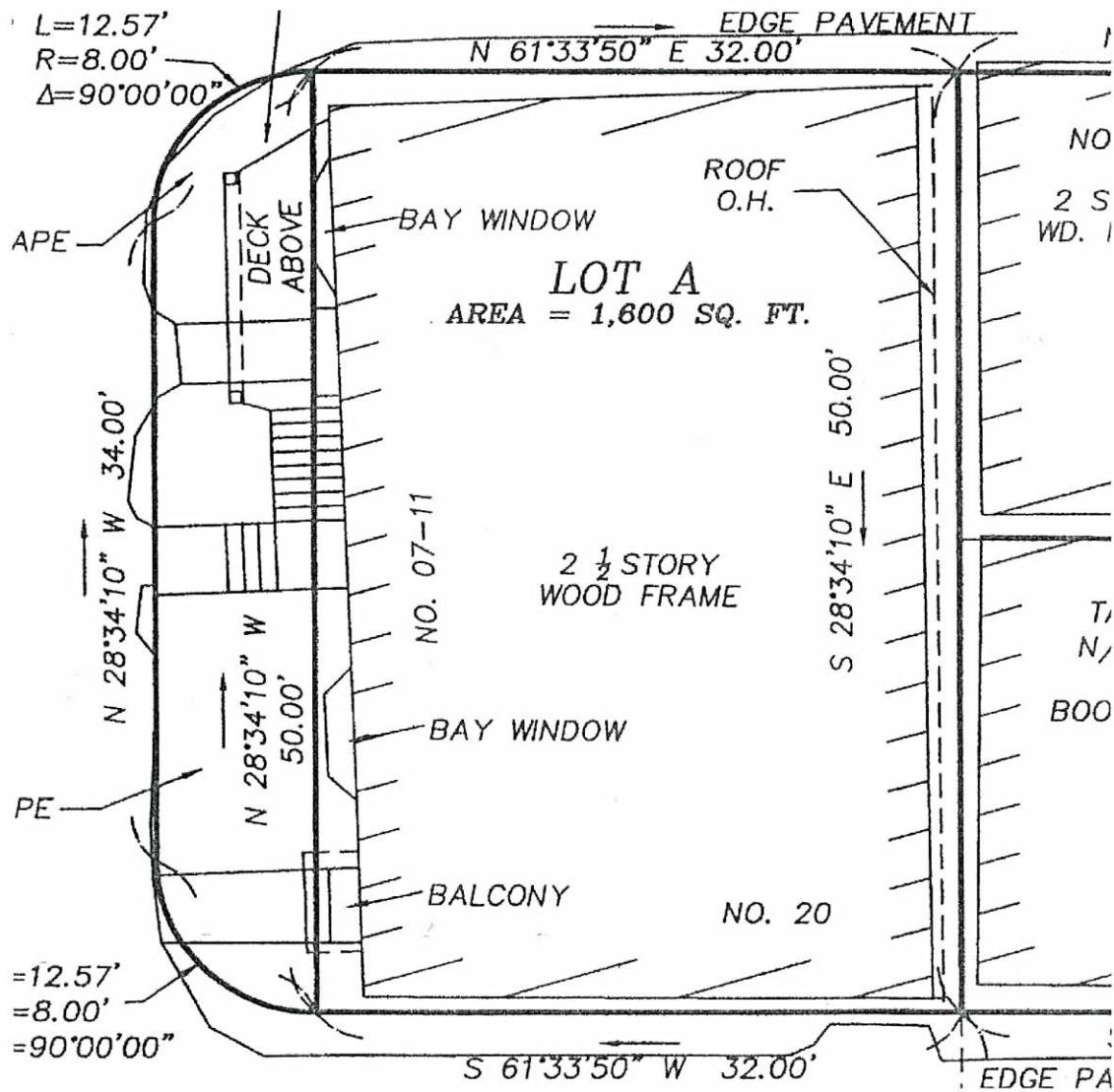
The Board of Selectmen recommends approval of Article J.

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Plan of Land, 7-11 Old Harbor Road, Bearskin Neck, Rockport, Mass Benchmark Survey

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Enlargement of 7-11 Old Harbor Road, Bearskin Neck, Rockport, Mass

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ARTICLE K

To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 8J relative to the establishment of the Rockport Commission On Disability; or act on anything relative thereto. *(Board of Selectmen) (majority vote)*

MOTION

I move that the Town accept the provisions of General Laws Chapter 40, Section 8J relative to the establishment of a Rockport Commission on Disability.

SUMMARY EXPLANATION

This article asks Town Meeting to establish a Commission on Disability (COD) to promote the inclusion and integration of persons with disabilities in the activities, services, and employment opportunities in the Town of Rockport.

RECOMMENDATIONS

The Board of Selectmen recommends approval of Article K.

ARTICLE L

To see if the Town will amend the Zoning By-Law to allow the regulation of Aircraft Landing Areas (“ALAs”) in the By-Laws as Section VI-M

The Rockport Zoning By-Laws in relation to ALAs are as follows:

In accordance with the Town’s authority to regulate uses of and structures on land and waterways that are within its jurisdiction, the Town of Rockport hereby determines that it is in the public interest to regulate the on-ground placement and storage of aircraft. Applicant shall be required to submit a plan to use any lot or waterway for aircraft landing, storage or parking within the Town.

The construction of an ALA is subject to Site Plan Review (“SPR”), which will consider the potential impacts on the Town/neighborhood, including the characteristics of any aircraft proposed to use the ALA, with respect to performance, noise, downdraft, and hours of operation, as well as the proposed landing, storage or parking facilities and any refueling and servicing facilities. Any FAA and MDOT aeronautics division findings, conclusions and requirements with respect to siting, design construction and operation of any proposed ALA will be incorporated in the SPR.

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The siting of an ALA is subject to the special permit ("SP") process of the Zoning Board of Appeals. The findings and recommendations of the SPR will be incorporated in any SP granted by the ZBA.

Nothing herein shall prevent a temporary helicopter landing area for emergency purposes, such as air ambulance, search and rescue, firefighting, and similar public safety operations.

AIRCRAFT LANDING AREAS

1. Purpose

The purpose of this section is to regulate Aircraft Landing Areas (ALA), by establishing standards for the placement, design, construction, operation, monitoring, modification and repair of such installations to ensure public safety, and minimize impacts on neighborhoods, and scenic, natural and historic resources.

The provisions set forth in this section shall apply to the placement, design, construction, operation, monitoring, modification and/or repair of any ALA.

- a. **Applicability** This section applies to the initial construction of ALAs and to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.
- b. ALAs, in Mass. are regulated and characterized by 702 CMR: MASSACHUSETTS AERONAUTICS COMMISSION, (now the Mass DOT aeronautics division.) 702 CMR 5.00: AIRPORTS AND RESTRICTED LANDING AREAS (This includes Airports and Restricted Landing Areas on land and water, and incorporates a number of categories of helicopter landing areas. These are characterized as follows:
 - (1) Airport –General Aviation, Land & Water
 - (2) Restricted Landing Area, Land & Water
 - (3) Heliport –General Aviation, and Limited Commercial
 - (4) Private Use Helicopter Landing Area
 - (5) Temporary Helicopter Landing Site

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Each category has different minimum dimensions, equipment, facility requirements, and level of review by MDOT.

c. Definitions

- (1) Site Plan Review:** Review by the Planning Board to determine conformance with the Zoning By-Law, as provided in Section IX of the By-Law.
- (2) Site Plan Approval:** Approval of the Site Plan by the Planning Board.

2. General Requirements for all ALAs

The following requirements are common to all ALAs.

- a. Compliance with Laws, Ordinances and Regulations**
The construction and operation of all ALAs shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, environmental, Wetlands Protection Act, construction, electrical, and communications requirements. All buildings and fixtures forming part of an ALA installation shall be constructed in accordance with the state Building Code.
- b. Building Permit and Building Inspection**
No ALAs shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- c. Fees**
The application for a building permit for a ALA must be accompanied by the fee required for a building permit.

3. Site Plan Review

Any ALA shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. ALAs shall be constructed, installed, used and modified in conformity with a site plan approved by the Planning Board in accordance with Section IX Site Plan Review of the Zoning By-Law and the further requirements set forth herein. The Planning Board shall review and act upon the site plan review within 90 days of its receipt of an application determined to be complete. The requirements set forth herein shall be applied coincident with and in addition to those requirements set forth in Section IX. The requirements of

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this section shall take precedence in the event of a direct conflict with Section IX.

a. General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

b. Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents.

(i) A site plan showing:

- 1. Property lines and physical features, including roads for the project site, and neighboring living structures within 1,000 feet of the ALA boundary.**
- 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and structures.**
- 3. Blueprints or drawings of the ALA installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the ALA.**
- 4. Documentation of any structures to be installed.**
- 5. A description of how land clearing and construction shall be performed in accordance with the appropriate sections of the Zoning By-Law governing storm water discharge, land disturbance, provisions for handling toxic or hazardous materials, and post-construction storm water runoff.**

(ii) Documentation of actual or prospective Flight paths.

(iii) An operation and maintenance plan; (See 3f) including proposed hours of operation, type of aircraft allowed to land and take off from the facility.

(iv) Zoning district designation for the parcel of land comprising the project site (submission of a copy of a zoning map with the parcel identified is suitable for this purpose).

(v) Proof of liability insurance written by companies licensed to provide such insurance in Massachusetts and with coverage limits at commercially acceptable levels; for the intended use.

(vi) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and

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otherwise inform abutters and the community.

The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the Site Plan Review process, or may waive documentation requirements as it deems appropriate.

c. Professional Review

The Planning Board may engage, at the applicant's expense, professional and technical consultants, including legal counsel, to assist the Planning Board with its review of the application in accordance with the requirements of Section 53G of Chapter 44 of the Massachusetts General Laws. The Planning Board may direct the applicant to deposit funds with the Planning Board at the time the application is accepted, and to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount in the account attributable to that project, including any accrued interest, shall be repaid to the applicant.

d. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the ALA, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. Also, documentation of how all safety concerns of the FAA and the MDOT aeronautics division are being addressed in the physical construction and proposed operation of the facility

4. Design Standards

a. Setbacks

An ALA shall be set back from property lines consistent with the applicable regulations for the underlying zoning district.

b. Lighting

Lighting of ALAs shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the ALA shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

c. Screening

A buffer or green strip planted with live shrubs or trees,

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predominantly evergreen, shall if feasible be maintained between the perimeter of the ALA and any abutting property line or street unless the existing natural growth is adequate to provide an equivalent buffer. Such a buffer shall be designed so as not to create a flight hazard upon entrance or exit from the facility. The Planning Board may vary or waive this requirement consistent with minimizing negative effects on abutting property.

5. Safety and Environmental Standards

a. Emergency Services

The ALA owner or operator shall provide a copy of the project summary, and site plan to the Fire Department. Upon request the owner and/or operator shall cooperate with Town emergency services in developing an emergency response plan, which may include ensuring that emergency personnel have 24 hour access to the facility. The owner or operator shall identify a responsible person for public safety personnel inquiries throughout the life of the ALA.

b. Land Clearing

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ALA or otherwise prescribed by applicable laws, regulations, and bylaws.

c. Drainage and Groundwater Protection

An ALA shall comply with any drainage and groundwater requirements set forth in the Zoning By-Law, which requirements shall be imposed and conditioned as appropriate through the Site Plan Review process.

6. Monitoring and Maintenance

a. ALA Installation Conditions

The ALA owner and/or operator shall maintain the facility in good and safe working condition, and shall schedule inspection by a competent professional at least once every twelve (12) months or more often, pursuant to industry standards and practices. The results of the inspection and any resulting repair work shall be submitted to the Planning Board and the Building Inspector within thirty (30) days of receipt by the owner and/or operator. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Department and Emergency Medical Services. The owner or operator shall be responsible for the cost of

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maintaining the ALA and any access road(s), unless accepted as a public way.

b. Modifications

All modifications to an ALA, after issuance of Site Plan Approval and required building permit, shall be submitted to the Planning Board for review, to determine whether they are major changes requiring further Site Plan Review.

7. Appurtenant or Accessory Structures

All appurtenant or accessory structures to an ALA shall be subject to the requirements of the Zoning By-Law concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, shall be architecturally compatible with each other, and shall be landscaped and screened from view by vegetation.

8. Insurance

Prior to commencing operation, the owner or operator of an ALA shall provide the Town Clerk with a certificate of insurance showing that the property has a minimum dollar amount contingent on the type and nature of the facility, in accord with industry standards of liability, and that the Town is an additional named insured thereon. Such certificate shall be supplied on an annual basis to the Town upon the renewal of said insurance policy.

B. Modify "Table of Permitted Uses" as follows:

2016 Proposed	SRAA & SR Zoning Districts	Permitted Use to include ALAs With SP	
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; or act on anything relative thereto. (*Planning Board*) (2/3vote)

MOTION

I move that the Town amend the Zoning By-Laws to allow the regulation of Aircraft Landing Areas in the By-Laws as Section VI-M as presented on pages 39 through 46 of the *Fall Town Meeting Voters Booklet*.

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SUMMARY EXPLANATION

This article requests Town Meeting to include a Zoning By-Law that regulates landing areas of aircraft within the Town of Rockport.

REPORT OF THE PLANNING BOARD

Any proponent wishing to construct an Aircraft Landing Area (ALA) must request the Federal Aviation Administration (FAA) to make a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground. "This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal." Furthermore, "This determination does not preempt or waive any ordinance, law or regulation of any other government body or agency."

Section 39B of Massachusetts General Laws (MGL), Paragraph 5, requires that a municipality making any rule, regulation, ordinance or bylaw relative to the use and operation of aircraft receive approval from the Mass DOT (Department of Transportation) aeronautics division prior to the rules taking effect. In a recent Appellate Court case, Hanlon vs. Town of Sheffield, the Appellate Court overturned a Land Court decision in favor of Sheffield's claim to regulate the use and operation of aircraft within the Town. The Appellate Court suggested that Section 39B contains internal contradictions which the Legislature should clean up.

Rockport Zoning By-Laws, like that of Sheffield and many Massachusetts communities, is prohibitive. If a use is not listed in the Table of Uses, it is not allowed. According to a recent communication to the Town of Stow from MDOT aeronautics division, a prohibitive bylaw illegally regulates the operation of aircraft. Therefore, Rockport needs to pass a bylaw that is acceptable to the MDOT while providing Rockport with some control and protection until the inconsistencies in MGL Chapter 90, Section 39B are rectified. It is the intent of the Planning Board to pursue a change in Section 39B with our legislators whether or not Article L is passed at the Fall Town Meeting.

RECOMMENDATIONS

The Town has had informal discussions with representatives of the Aeronautics Division of the Massachusetts Department of Transportation (DOT) as well as with a representative of the Federal Aviation Administration (FAA) and, after taking a cursory look at this article, said that it appears to address their concerns and has a strong possibility of being approved by

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them, although they were not willing to be bound by an initial look at it. They also said that it could become a template for other communities who have tried, but failed, to pass by-laws regulating helicopters in their municipalities. The Board of Selectmen recommends approval of Article L.

ARTICLE M

To see if the Town will vote to delete III.B.I.F, on the Table of Permitted Uses in the Zoning By-Laws, and replace it with the following:

The conversion of any existing dwelling into a two-family dwelling or a multiple dwelling, with not more than four (4) dwelling units, or an inn, provided that the size of the building shall not be increased by more than ten (10%) percent of the area which was originally used for habitation.

; or act on anything relative thereto. *(Planning Board) (2/3vote)*

MOTION

I move that the Town delete Section III.B.I.F, on the Table of Permitted Uses in the Zoning By-Laws and replace it with the following:

“The conversion of any existing dwelling into a two-family dwelling or multiple dwelling, with no more than four (4) dwelling units, or an inn, provided that the size of the building shall not be increased by more than ten (10%) percent of the area which was originally used for habitation.”

as printed in the Warrant and as presented on page 47 of the *Fall Town Meeting Voters Booklet*.

SUMMARY EXPLANATION

Article M asks Town Meeting to correct an ambiguity discovered in Section III.B.I.F of the Zoning By-Laws that addresses the conversion of a single-family home to a two-family home.

REPORT OF THE PLANNING BOARD

A recent review of the Table of Principal Permitted Uses and Structures in the Rockport Zoning By-Laws (2014) indicated an omission of a few words had occurred as part of the 2011 By-Law revision to Section III.B.F. The omission related to the conversion of a single

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family dwelling into a two-family dwelling by Special Permit (SP). Consequently, the Planning Board recommends Section III.B.F. be revised as proposed.

RECOMMENDATIONS

The Board of Selectmen recommends approval of this Article.